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CLERK SUPREME COURT

To: Juvenile Court Services Stakeholders
From: Iowa Judicial Branch
Date: September 9, 2022
Re: Transition of early intervention and follow-up programs, graduated sanctions and court-ordered services, from the Iowa Department of Health and Human Services to the Iowa Judicial Branch

The main goal of the judicial branch in this transition of services and programs is to ensure no disruption in services to youth. The contracted providers of these services should notice little to no difference in the procurement, contracting, and payment of services. The juvenile court officers (JCOs) making referrals to these programs should also notice little to no difference in their process of referring youth to these services.

A key element to assist the judicial branch in this transition will be the contract administrator positions. These positions complete the procurement, manage the contracts, and process the payments for the service contracts. These judicial branch positions are currently funded using the administrative allowance of the allocated services dollars. The positions will continue to provide these functions within the judicial branch and will continue to be funded by the administrative allowance of the allocation.

The specific changes are summarized below. They appear in the respective order of proposed court rules, with the corresponding sections of Iowa Administrative Code rule 441—151 indicated. All references to the department of health and human services (DHS) as "the department" were removed from the draft court rules, as well as any references to oversight by DHS. Some sections were also reorganized to improve understanding and remove duplications. Finally, some specifications regarding programming were generalized to allow each judicial district to select the service contracts that best meet their needs while still allowing for innovations in research and programming for delinquent youth.

- The Preamble was updated to include the name "early intervention and follow-up programs," as it appears in Iowa Code section 232.192, and the name "graduated sanctions services," which has historically been the name used by the legislature when appropriating these funds. While court rules do not traditionally have a preamble, one was included to help provide an introduction to these new services the judicial branch will be responsible for overseeing.
- Definitions. Iowa Admin. Code r. 441—151.1(232). Removed obsolete terms, updated definitions to match current practice, and added new terms.
- Appropriation and allocation of funds. Iowa Admin. Code r. 441—151.2(232).

- The director of juvenile court services (JCS) was added to the authority for appropriating funds to the judicial districts. Chief JCOs retain oversight of their district allocations.
- The separate, duplicative sections pertaining to funding allocations were combined. There will still be separate allocations for contracted versus noncontracted services for each district, but the duplicate language was deemed unnecessary for the court rules.
- The 20% administrative set-aside limit for graduated sanctions was retained. Currently, JCS utilizes less than 7% of this allocation for administration.
- Reference to the contract administrator accountant positions was removed and the allowance for administrative support and oversight was broadened. This allows the branch to not be limited to one specific classification or job title for administering funds. The job title contained within rule 441—151 is currently outdated.
- Reference to "Form Y" in rule 441—151.2(4)(*a*) was removed. Instead, the appropriation and allocation of funds section of the proposed rules require an annual budget tracking form to be updated at least twice annually. This matches the current requirement from Administrative Directive 2021–10, which allows for tracking expenditures and transfers.
- Within the appropriation and allocation section of the proposed rules, a new requirement was added for an ongoing budget tracking form to be updated monthly. This will allow the branch to track encumbered funds and real-time expenditures.

- Allocation of Title IV-E Prevention Service reimbursement funds. This is a new section outlining the way that Title IV-E Prevention Service funds will be allocated.
- Transfer of funds. Iowa Admin. Code r. 441—151.2(3).
  - The allowance to transfer funds to decategorization boards (DCATs) was retained. The allowance for funds to be transferred to other government agencies or departments was added. This will allow the branch to partner with other departments or agencies; for example, to pilot a project with the department of education for delinquent youth. The ability for the state court administrator or the director of JCS to make transfers for state-level projects was added to allow for funds to be transferred for pilot projects if needed.

  - Transfers are now required to include the specific usage and reporting requirements, and the receiving entity must now agree to the terms prior to receipt of the transfer. This will help the branch ensure that transferred funds are utilized for the intended purposes and responsibly tracked.

- Administration of JCS programs within each judicial district. Iowa Admin. Code r. 441—151.3(1)(*b*). The child welfare and juvenile justice plan have not been used, as it is defined, for several years. The DHS service area manager (SAM) and the chief JCOs do not collaborate to draft the annual plan. Instead, each DCAT coordinator drafts the plan for their DCAT. The proposed rules do not provide for authority over the DCAT or SAM, so the child welfare and juvenile justice plans were not included.
  - The proposed rules provide that each chief JCO submit a juvenile justice service plan annually. Minimum requirements and deadlines for each plan are outlined. Each plan must account for each district's allocation, taking into consideration the unique service needs of the children in that district and the services available to meet those needs.
  - The proposed rules acknowledge the addition of quality improvement staff and reflect that this position will assist the chief JCOs in evaluating and determining the effectiveness of JCS services.
- Contract development. Iowa Admin. Code r. 441—151.135(232). This section was updated to remove specific requirements that apply only to the executive branch. JCS will follow the judicial branch procurement policy for all service contracts.
- Billing and payment. Iowa Admin. Code r. 441—151.4(232). This section is largely the same, with the addition of the requirement that providers submit the referral for services with their claims. Rule 441—151 only required referrals during annual contract reviews. The workgroup determined it was best practice to ensure these referrals were submitted with each payment request.
- Record keeping. Iowa Admin. Code r. 441—151.3(4). The record-keeping section has been updated to match current practice—the retention of records for seven years past the end of a service contract. Rule 441—151.3(4) only requires records to be retained for five years.
- Annual contract compliance review. Iowa Admin Code r. 441—151.6(232).
  - This section underwent significant changes. The workgroup proposes ending the use of the term "audit" and replacing it with "contract compliance review." This term better describes the process and assists to

alleviate confusion related to multiple uses of the term “audit” within the judicial branch.

- Based on guidance from the auditor of state’s office, contract administrators will no longer review all contracts that they administer. Instead, a schedule will be developed statewide and contracts that require a review will be assigned to a different contract administrator for the annual contract compliance review.
- Virtual contract compliance reviews will be allowed, so long as all relevant records are available to be securely shared and reviewed. This matches DHS’s current practice for its contracts and allows the branch and its vendors to save staff time and resources.

- Noncontracted and court-ordered services. Iowa Admin. Code r. 441—151.20(232).
  - The proposed rules formalize current practice and standardize the requirements for documentation to allow noncontracted, or court-ordered, service funds to be utilized in limited circumstances where a court order is not available. Exceptions to the court order requirement allow for the use of a consent decree, GPS agreement, condition of supervision agreement, and informal or formal probation agreement to be on file instead of a court order.
  - Some services that are funded utilizing these funds are now included in the allowable expenses list, including drug testing, drug testing supplies, court-ordered transportation, and GPS monitors, as well as diversionary tools meant to prevent children from further involvement in the juvenile justice system. The goal of juvenile justice has shifted to preventative services, and the workgroup wants to ensure the rules match this shift.
- Early intervention and follow-up programs, graduated sanctions. Iowa Admin. Code r. 441—151.
  - The proposed rules combine sections from rule 441—151 and generalize the requirements to allow each judicial district to contract for the services needed to meet their local needs. Specific programmatic requirements can and will be detailed within each service contract, but specifying those within the court rules would limit JCS and require annual reviews and updates to the rules. The annual contract renewal process and the annual

juvenile justice service plan are better tools for determining the programmatic service needs of delinquent youth.

- The referral process will remain largely the same for the JCOs making referrals and the providers receiving the referrals.
- Some specific requirements for school-based programs were retained in the proposed rules while still allowing for specific contract requirements to set rules. This ensures each school and judicial district can meet its unique, local needs.
- Supportive enhancements remain a separate section with enhanced oversight and accountability requirements.